

UNITED STATES DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE



**OFFICIAL WARNING**  
**VIOLATION OF FEDERAL REGULATIONS**

**CASE NUMBER:**  
AL10001-AC & AL11008-AC

**VIOLATOR:**  
Robert Keith McSwain

**ADDRESS** (*Street, City, State, ZIP Code*):  
7850 Wentworth Drive  
Duluth, GA 30097

The U.S. Department of Agriculture has evidence that on or about the date(s) listed below, you or your organization committed the following violation(s) of Federal Regulations:

**Date of Violation: September 5, 2009**

**15 U.S.C. § 1824(2) Prohibited Activities**

“The (A) showing or exhibiting, in any horse show or horse exhibition, of any horse which is sore, (B) entering for the purpose of showing or exhibiting in any horse show or horse exhibition, any horse which is sore, (C) selling, auctioning, or offering for sale, in any horse sale or auction, any horse which is sore, and (D) allowing any activity described in clause (A), (B), or (C) respecting a horse which is sore by the owner of such horse.”

You entered “Victoria’s Secret” in the Annual Tennessee Walking Horse National Celebration, where the horse was found sore in violation of the scar rule.

**Date of Violation: September 5, 2009**

**9 C.F.R. § 11.3 Scar rule**

“The scar rule applies to all horses born on or after October 1, 1975. Horses subject to this rule that do not meet the...scar rule criteria shall be considered to be “sore” and are subject to all prohibitions of...the Act.”

**Date of Violation: August 26, 2010**

**15 U.S.C. § 1824(2) Prohibited Activities**

“The (A) showing or exhibiting, in any horse show or horse exhibition, of any horse which is sore, (B) entering for the purpose of showing or exhibiting in any horse show or horse exhibition, any horse which is sore, (C) selling, auctioning, or offering for sale, in any horse sale or auction, any horse which is sore, and (D) allowing any activity described in clause (A), (B), or (C) respecting a horse which is sore by the owner of such horse.”

Maisie McSwain showed or exhibited the horse, “Victoria’s Secret” in the Annual Tennessee Walking Horse National Celebration, where the horse was found sore and in violation of the scar rule.

Mandi McSwain allowed the showing or exhibiting of the horse, “Victoria’s Secret” in the Annual Tennessee Walking Horse National Celebration, where the horse was found sore and in violation of the scar rule.

**Date of Violation: August 26, 2010**

**9 C.F.R. § 11.3 Scar rule**

“The scar rule applies to all horses born on or after October 1, 1975. Horses subject to this rule that do not meet the...scar rule criteria shall be considered to be “sore” and are subject to all prohibitions of...the Act.”

The Animal and Plant Health Inspection Service (APHIS) created federal regulations to ensure the welfare of animals and help prevent the spread of animal and plant pests and diseases. Since violations of the regulations can have serious and costly impacts that are detrimental to the public interest, APHIS is providing you with an Official Warning for the violation(s) described above. Any further violation of these federal regulations may result in the assessment of a civil penalty, criminal prosecution, or other sanctions. If you have any questions concerning this Official Warning or violation(s), please contact the APHIS official listed in this notice.

**APHIS OFFICIAL (Name):**  
Robert J. Huttenlocker

**OFFICE ADDRESS:**  
4700 River Road, Unit 85  
Riverdale, MD 20737

**APHIS OFFICIAL (Title):**  
Director, Investigative and Enforcement Services

<b>DATE ISSUED:</b> 3/13/2012	<b>TELEPHONE NUMBER:</b> (301) 851-2948
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